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and Defendants ANNE SHAY and HOMEGOODS, INC
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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 BARBARA KELLER, an individual,
12 Plaintiff,

13 v.

14 MAGENTA, INC., a California
corporation; ANNE SHAY, an individual;
15 and
16 HOMEGOODS, INC., a Delaware
corporation,

17 Defendants.

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19 And Related Counterclaim
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Case No. CV 08 4057 CRB


**STIPULATION AND ORDER OF
DISMISSAL OF ACTION AND
COUNTERCLAIM WITH PREJUDICE**

[FRCP 41(a)(1) * (c)]

IT IS HEREBY STIPULATED, by and between the parties to this action, pursuant to their Confidential Settlement Agreement and Release, through their attorneys of record, that the entire action herein, including the First Amended Complaint filed by plaintiff Barbara Keller ("Keller") against defendant and counterclaimant Magenta, Inc. ("Magenta"), and defendants Anne Shay and HomeGoods Inc. ("Shay" and "HomeGoods", respectively) and the Counterclaim filed by Magenta against Keller, be dismissed with prejudice pursuant to Rule 41(a)(1) and (c) of the Federal Rules of Civil Procedure, with each party to bear its own attorneys' fees and costs.


Dated: ~~October 11~~, 2009
December

SEDGWICK, DETERT, MORAN & ARNOLD LLP

By: 
Amber Rye Brumfiel
Attorneys for Defendant and Counterclaimant
MAGENTA, INC. and Defendants ANNE SHAY and
HOMEGOODS, INC.

~~October 14~~, 2009
December

LAW OFFICES OF LAWRENCE G. TOWNSEND

By: 
Lawrence G. Townsend
Attorneys For Plaintiff and Counterdefendant
BARBARA KELLER

Pursuant to stipulation of the parties, and Rule 41(a)(1) and (c) of the Federal Rules of Civil Procedure, IT IS HEREBY ORDERED that the entire action herein, including the First Amended Complaint filed by Keller against Magenta, Shay and HomeGoods, and the Counterclaim filed by Magenta against Keller, be, and hereby is, DISMISSED WITH PREJUDICE, each party to bear its own attorneys' fees and costs.

December 16,
DATED: ~~October 16~~, 2009

